

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 42*

*Monday, 8:00 a.m., February 1, 2016*

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### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

#### **Executive Appointments:**

**Steven R. Kaukman**, Rapid City, was appointed on January 21, 2016, to the **South Dakota Ellsworth Development Authority**, to replace Kenny McNenny, effective immediately and shall continue until January 18, 2020.

**David Lust**, Rapid City, was appointed on January 21, 2016, to the **South Dakota Ellsworth Development Authority**, to replace Kent Mundon, effective immediately and shall continue until January 18, 2020.

**Ann Noyes**, Pierre, was reappointed on January 21, 2016, to the **South Dakota Professional Teachers Practices and Standards Commission**, effective immediately and shall continue until December 31, 2018.

**Mark R. Smith**, Pierre, was reappointed on January 21, 2016, to the **Board of Pardons and Paroles**, effective immediately and shall continue until January 21, 2020.

**David Sweet**, Sioux Falls, was appointed on January 21, 2016, to the **Council of Economic Advisors**, to replace Jim Schade, effective immediately and shall continue until June 30, 2018.

**Mary L. Dunn**, Eden, was reappointed on January 22, 2016, to the **Governor's Commission on Fort Sisseton**, effective immediately and shall continue until November 24, 2019.

**Christopher H. Funk**, Madison, was reappointed on January 22, 2016, to the **South Dakota Aeronautics Commission**, effective immediately and shall continue until October 30, 2018.

**Judy Gulleeson**, Britton, was reappointed on January 22, 2016, to the **Governor's Commission on Fort Sisseton**, effective immediately and shall continue until November 24, 2019.

**Bill Hoskins**, Garretson, was appointed on January 22, 2016, to the **Governor's Commission on Fort Sisseton**, to replace Dean North, effective immediately and shall continue until November 24, 2019.

**Debra Johnson**, Chamberlain, was appointed on January 22, 2016, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Brian Heupel, effective immediately and shall continue until December 31, 2018.

**Glen Johnson**, Sisseton, was reappointed on January 22, 2016, to the **Governor's Commission on Fort Sisseton**, effective immediately and shall continue until November 24, 2019.

**Jim Schmidt**, Sioux Falls, was appointed on January 22, 2016, to the **Board of Directors of the Value Added Finance Authority**, to replace Bill Hansen, effective immediately and shall continue until October 30, 2017.

**Robert Sittig**, Baltic, was appointed on January 22, 2016, to the **South Dakota Professional Administrators Practices and**

**Standards Commission**, to replace Kelly Glodt, effective immediately and shall continue until December 31, 2018.

**Gerald D. Thaden**, Marvin, was appointed on January 22, 2016, to the **State Conservation Commission**, to replace Dale Tesch, effective immediately and shall continue until January 1, 2019.

**Ronald Thyen**, Hayti, was reappointed on January 22, 2016, to the **South Dakota Weed and Pest Control Commission**, effective immediately and shall continue until December 31, 2019.

**Thomas L. Wolles**, Colton, was appointed on January 22, 2016, to the **State Conservation Commission**, to replace Richard Fossum, effective immediately and shall continue until January 1, 2019.

#### FILINGS IN THE LEGISLATIVE

**RESEARCH COUNCIL'S OFFICE:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Bureau of Human Resources: Civil Service Commission:** (January 26, 2016) intends to amend a rule to allow the NGB22 form to be submitted to verify veterans' preference. The general authority for this rule, as cited by the bureau, is SDCL § 3-6D-7.

A public hearing will be held in the Lake Francis Room, Ramkota Hotel, Pierre, South Dakota, on February 17, 2016, at 10:00 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Bureau of Human Resources, Room 110, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by February 17, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-4479 at least 48 hours before the

hearing.

**Department of Health: Board of Medical and Osteopathic Examiners:** (January 26, 2016) intends to adopt rules to provide a process for locum tenens certificate holders to extend the duration of the certificate; remove requirement that a physician assistant and their supervising physician visit each separate practice location; update outdated language; create continuing education requirements for licensed physical therapists; and create rules for continuing education requirements for licensed nutritionists and dietitians. The general authority for these rules, as cited by the board, is SDCL §§ 36-4-35, 36-10-36, 36-10B-3, 36-29-17, and 36-31-13.

A public hearing will be held at the First Dakota National Bank Building, 101 N. Main Ave., Room 215, Sioux Falls, South Dakota, on March 3, 2016, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Ave., Suite 301, Sioux Falls, South Dakota, 57104 or by email to [SDBMOE@state.sd.us](mailto:SDBMOE@state.sd.us). The text of the proposed rules is available on the Board's website at [www.sdbmoe.gov](http://www.sdbmoe.gov), at <https://rules.sd.gov>, or at <http://doh.sd.gov/News/>. Written comments must be received by March 2, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Board can make arrangements are asked to call (605) 367-7781 at least 48 hours before the hearing.

#### NOTICE:

The **Department of Social Services**, in conjunction with the **Department of Human Services**, intends to make changes to the CHOICES 1915 (c) HCBS Waiver concerning case management waiver services effective June 1, 2016. The CHOICES Waiver is operated by the Division of Developmental Disabilities, Department of Human Services. The proposed

waiver amendment defines conflict-free case management waiver services and adjusts the corresponding waiver appendices. This amendment is a result of federal regulations mandating implementation of conflict-free case management and modifies Appendix C, D, F, G, and I, subsections C-1 a, C-2 f, D-1 b, D-1 d, D-1 e, D-2 a, D-2 b, D bi, F-1, F-3 b, F-3 c, G-1 b, G-1 c, G-1 d, G-1 e, G-2 ai, G-2 aii, G-2 bi, I-2 a, I-2 b, I-3 gii, of the CHOICES Waiver. The conflict-free case management rate was derived from Community Support Provider cost report data from salaries, benefits, taxes, and overhead for existing case managers. South Dakota Department of Labor wage statistics were used to validate the cost report data. The new conflict-free case management rate will shift approximately 53% of the current service coordination dollars to conflict-free case management, providing participants with same or greater level of case management services they currently receive. The Department of Human Services anticipates there will be no federal fiscal impact associated with the waiver

amendment. Copies of the proposed waiver amendment and public input schedules are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to Brenda Tidball-Zeltinger, Interim State Medicaid Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

<b>2-17-2016</b>	<b>Bureau of Human Resources: Civil Service Commission</b> Amend a rule to allow the NGB22 form to be submitted to verify veterans' preference; 42 SDR 112, February 1, 2016.
<b>3-3-2016</b>	<b>Department of Health: Board of Medical and Osteopathic Examiners</b> Adopt rules to provide a process for locum tenens certificate holders to extend the duration of the certificate; remove requirement that a physician assistant and their supervising physician visit each separate practice location; update outdated language; create continuing education requirements for licensed physical therapists; and create rules for continuing education requirements for licensed nutritionists and dietitians; 42 SDR 112, February 1, 2016.

### RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Ninety-first Legislative Session to set the tentative meeting schedule for the 2016 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

